

REMARKS

In response to the final Office Action mailed February 20, 2008 and the Advisory Action mailed June 4, 2008, Applicant has amended the application as above. No new matter is added by the amendments as discussed below. Applicant respectfully requests the entry of the amendments and reconsideration of the application in view of the amendments and the remarks set forth below.

Discussion of Claim Amendments

Claims 1, 7 and 8 have been amended. Claims 9-17 have been added. Upon the entry of the amendments, Claims 1-17 are pending in this application. The amendments to Claims 1, 7 and 8 are supported, for example, by paragraphs [0025] and [0032] of the specification. Each of Claims 9, 12 and 15 is supported, for example, by paragraph [0036] of the specification. Each of Claims 10, 13 and 16 is supported, for example, by paragraphs [0032] and [0060] of the specification. Each of Claims 11, 14 and 17 is supported, for example, by paragraph [0045] of the specification. Thus, the amendments to the claims do not introduce any new matter. Entry of the amendments is respectfully requested.

Discussion of Specification Objection

The Examiner objected to the abstract. In response, Applicant has amended the abstract as suggested by the Examiner. Withdrawal of the objection is respectfully requested.

Discussion of Claim Rejections Under 35 U.S.C. § 103(a)

The Examiner has rejected Claims 1-8 under 35 U.S.C. § 103(a) as being unpatentable over Druckenmiller (U.S. Patent No. 6,167,435) in view of Ferber (U.S. Patent No. 7,184,971 B1) and Mullaney (U.S. Patent Application Publication No. 2001/0037283 A1). Applicant respectfully submits that pending Claims 1-8 are allowable over the prior art of record as discussed below.

Standard of *Prima facie* Obviousness

In order to provide a *prima facie* showing of obviousness under 35 U.S.C. § 103(a), all the claim limitations must be taught or suggested by the prior art. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

Discussion of Patentability of Independent Claims 1, 7 and 8

Claim 1, as amended, recites, among other things “receiving, at the server, from the registered user, a request for forwarding the notice information to a forwarding address of an unregistered user, the forwarding address being provided by the registered user via the Web page, wherein the registered user is registered at the server and has the unique user ID issued by the server, and wherein the unregistered user is not registered at the server and does not have a unique user ID issued by the server” (hereinafter feature (A)). Each of independent Claims 7 and 8 includes substantially similar features thereto. Applicant respectfully submits that none of Druckenmiller, Ferber and Mullaney teach or suggest the above-indicated features.

Discussion of Druckenmiller and Ferber

As discussed in greater detail in the previous Office Action response dated January 14, 2008, neither Druckenmiller nor Ferber teaches “receiving, from the registered user, a request for forwarding the notice information to a forwarding address of an unregistered user, the forwarding address being provided by the registered user via the Web page” (hereinafter feature (B)), let alone the feature (A) which includes additional features.

In the final Office Action, the Examiner has acknowledged that Druckenmiller does not teach the feature (B). Furthermore, the Examiner has not provided an evidence that Ferber teaches the feature (B), let alone the feature (A). Instead, in the final Office Action, the Examiner cited a new prior art reference, Mullaney, asserting that the Mullaney reference teaches the feature (B). Thus, Applicant will discuss patentability of the claimed invention over Mullaney.

Discussion of Mullaney

Applicant respectfully submits that Mullaney does not teach the feature (A) of the

claimed invention. Applicant respectfully submits that the claimed invention is fundamentally different from Mullaney in that in the claimed invention, information (such as electronic magazine) is distributed to a plurality of unregistered users by *registering the plurality of unregistered users at a server* whereas in Mullaney a broker (12), on behalf of a member, sends an advertisement email (special offer or coupon) to clients (arguably corresponding to the claimed unregistered users) of the member (arguably corresponding to the claimed registered users). Since the broker (12) provides members with the above email service based on email addresses of the clients (presumably previously provided by the member), Mullaney does not and needs not register the clients for the service or at a broker server. Applicant would like to discuss the above in detail.

In Mullaney, an Intermediary 12 (a broker server) sends an e-mail message 50 (special offer or coupon) to a client (a non-registered user of the server) of Member A (a registered user of the server). See, Mullaney, paragraph [0044], and Figures 3 and 4. Then, the client (a non-registered user of the server) is directed to a Web page (see Figure 4) of Member A (a registered user of the server). *Id.* Through this Web page, the client (a non-registered user of the server) may input an e-mail address (a forwarding address) of a potential client (a non-registered user of the server) of Member A (a registered user of the server). Applicant respectfully submits that clients of Member A do not correspond to the claimed registered user because the clients are not registered at the server of Intermediary 12 and do not have a unique user ID issued by the server. Further, there is no reason or motivation to register clients at the server because as long as Intermediary 12 sends, on behalf of a member, the email message to the clients of the member the intended purpose of Mullaney will be achieved.

The Examiner asserts that the "Friend's email address" section of Figure 4 corresponds to the feature of "receiving, from the registered user, a request for forwarding the notice information to a forwarding address of an unregistered user, the forwarding address being provided by the registered user via the Web page" (feature (B)). Applicant respectfully disagrees, particularly in view of the feature (A) of the claimed invention.

Mullaney teaches that Member A or Intermediary 12 receives the e-mail address (a forwarding address) of the potential client which is a non-registered user of the server. That is,

the e-mail address (a forwarding address) is not received from the registered user (such as Member A). Doing so would undermine the intended purpose of the Mullaney system as the referral should come from the member's clients not from the member himself.

In view of the above, Applicant respectfully submits that Mullaney does not teach or suggests the above indicated feature (A) of the claimed invention. That is, Mullaney does not remedy the deficiencies of Druckenmiller and Ferber. Therefore, the combination of the prior art references does not teach or suggest all of the features of each independent claim.

Meanwhile, there is no additional prior art to remedy the deficiencies of the cited references. Further, there is no explanation as to why the differences between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art. Therefore, Applicant respectfully submits that no *prima facie* case of obviousness has been established with respect to Claims 1, 7 and 8, and thus Claims 1, 7 and 8 are allowable over the prior art of record.

Discussion of Patentability of Dependent Claims

Claims 2-6 depend upon base Claim 1, and further define additional technical features of the present invention. In view of the patentability of their base claim, and in further view of their additional technical features, Applicant respectfully submits that the dependent claims are patentable over the references.

Discussion of Patentability of New Claims

New Claims 9-11, 12-14 and 15-17 include all the features of Claim 1, 7 and 8, respectively, and further define additional technical features of the present invention as discussed below.

Each of Claims 9, 12 and 15 recites that the notice information comprises a link to the Web page, and a Web site containing the Web page is not owned by the registered user. Mullaney does not teach this feature as in Mullaney, the web site is owned by the Member. *See Figure 4.*

Each of Claims 10, 13 and 16 recites that the notice information comprises a link to the Web page, wherein the Web page comprises electronic information which can be subscribed, and the subscribable electronic information is distributed to a plurality of unregistered users by registering the plurality of unregistered users at the server in a successive way. Mullaney does

note teach distributing subscribable electronic information as the prior art reference teaches sending advertisement information such as a special offer or an electronic coupon. Further, Mullaney does not teach that the subscribable electronic information is distributed to a plurality of unregistered users by registering the plurality of unregistered users at the server in a successive way as the Mullaney reference does not involve registration in sending such advertisement information.

Each of Claims 11, 14 and 17 recites that the subscribable electronic information is an electronic magazine. As discussed above, Mullaney does not teach distributing subscribable electronic information. Thus, Mullaney cannot and does not teach this feature.

In view of the patentability of their base claims, and in further view of their additional technical features, Applicant respectfully submits that new Claims 9-17 are patentable over the references.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

CONCLUSION

In view of Applicant's foregoing amendments and remarks, it is respectfully submitted that the present application is in condition for allowance. In addition, the above amendment to the claims and specification meets the requirements that are stated in MPEP 706.07(h) "Request for Continued Examination (RCE) Practice" under 37 CFR § 1.114. Thus, Applicant respectfully requests entry of the amendment. Applicant will file a Request for Continued Examination (the "RCE"). The above amendment is a submission for the purpose of filing the RCE.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410. If the Examiner has any concerns about this amendment, he is respectfully requested to call the undersigned.

Respectfully submitted,

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